



King County Board of Ethics
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KING COUNTY BOARD OF ETHICS MEETING NOTICE

When: Monday, December 15, 2003, at 4:30 p.m.

Where: Bank of California Building
900 Fourth Avenue, 4th Avenue and Marion Street, Seattle
5th floor conference room, northwest corner of building

AGENDA

1. ***Approval of Agenda.***
2. ***Approval of Meeting Minutes of October 20, 2003.***
3. ***Possible Exemptions to the Filing Requirement for Statements of Financial and Other Interests.*** Review and discussion.
4. ***Meeting Schedule 2004.*** Confirm schedule and plan retreat.
5. ***Consultant Disclosure Form.*** Review and approve.
6. ***Staff Report***
 - Staff Informational Response Summary
 - COGEL - Committee on model ethics law
 - Albers Business Ethics Initiative Advisory Council, Seattle University
 - Proposed Ordinance Relating to Oaths for Disclosure Statements and Forms Under the Code of Ethics - update
7. ***Executive Session.*** Annual employee performance evaluation.

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ALTERNATE FORMATS AVAILABLE



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Minutes of the December 15, 2003, Meeting of the King County Board of Ethics

The December 15, 2003, meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:30 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair
Mr. Roland H. Carlson
Margaret T. Gordon, Ph.D.
Rev. Paul F. Pruitt
Mr. Jerry Saltzman

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics
Mr. Alan Abrams, Senior Deputy Prosecuting Attorney and Board Counsel
Mr. James J. Buck, Administrative Services Manager, Department of Executive Services

1. *Approval of Agenda.* Dr. Gordon moved and Mr. Saltzman seconded that the board approve the proposed agenda. The board unanimously adopted the motion.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of October 20, 2003.* Mr. Carlson moved and Rev. Pruitt seconded that the board approve the October 20, 2003, meeting minutes. The board unanimously adopted the motion and the minutes were approved.

3. *Possible Exemptions to the Filing Requirement for Statements of Financial and Other Interests.* Mr. Abrams briefed the board. The Board of Ethics has asked board counsel and the administrator to research and report on possible exemptions to the filing requirement of statements of financial and other interests. Research revealed that both the ethics code and board rules contain language to support such exemptions. At 7.0 of the Rules Related to Filing Statements of Financial and Other Interests, the board is authorized to suspend or modify the disclosure requirements for "manifestly unreasonable hardship" and only until the hardship is substantially relieved. The board discussed the meaning of "manifestly unreasonable hardship" as well as other jurisdictions that include such language in laws or rules. Mr. Abrams stated that the board may make that determination based on administrative procedures contained such rules. Additionally, under K.C.C. 3.04.050(I), Statement of financial and other interests, "the board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter." Mr. Carlson commented on the relationship between an employee's capacity to fill out and submit a form and his or her ability to perform their job functions. Ms. Clemens noted that excepted employees have always been identified and reported to the board, but the board had not officially made determinations on the exemptions as set out under the rules. The board discussed how to ensure that employees and board and commission members are informed of the requirement. Ms. Clemens stated that under the rules, a complete copy of the rules are always include in packets for the orientation for sessions held in January for department

coordinators and staff liaisons; rules are also posted on the ethics web site. Mr. Carlson moved that Ms. Clemens continue providing exemption information via the board rules during disclosure program orientations so that employees may be fully informed. Dr. Gordon seconded the motion and the motion was unanimously approved.

4. *Meeting Schedule 2004.* The board reviewed the proposed 2004 meeting schedule. Chair Price Spratlen stated she was pleased that the executive continues to meet with selected board members during the year, but would like him to attend the retreat to discuss county ethics with the entire board. To that end, she issued a letter of invitation this day to the executive and asked that he respond no later than December 31, 2003. The board directed the administrator to report on his response so that a firm retreat date in January might be set; currently, the tentative date is January 17, 2004. The retreat will be considered a special meeting, and will take the place of the regularly scheduled meeting on January 20, 2004. Finally, in addition to the traditional agenda items, the chair asked that the board explore the possibility of working with city and state ethics staff regarding a comprehensive gift law. Following discussion, Mr. Carlson moved that the board extend an invitation to the board retreat to the executive and city and state ethics staff and chairs. Mr. Saltzman seconded the motion and the motion passed unanimously.

The board agreed to hold its annual reception for county leadership some time in June. Members also discussed whether or not to hold an event for members of boards and commissions and whether to combine both functions. Following discussion, the board decided not to combine the events but to poll board and commission chairs and staff to find out the level of interest and type of event they desired. The board directed the administrator to conduct the inquiry in February and plan accordingly. The board did agree that the event would use an educational approach with an opportunity for chairs, members and staff to learn more about county ethics.

Mr. Buck arrived at 5:06 p.m.

5. *Consultant Disclosure Form.* Ms. Clemens briefed the board. She stated that the board is authorized to create forms as deemed necessary. Under K.C.C. 3.04.130, Authorization to Implement Procedures, "the . . . board of ethics (is) authorized to implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter . . ." The form before the board has only one change to the previous version and that is the addition of question #2 on page two of three: "List the name of any former county employee who has a financial or beneficial interest in this contract whose employment with the county ended within two years from the signing of this form. If none, check this box." This question is added to discover information related to the recently amended post employment provision, thus ensuring that the code requirements are met. Board counsel previously reviewed and approved the revision. Following discussion, Mr. Carlson moved that the board approve the consultant disclosure form as presented. Mr. Saltzman seconded the motion and the motion passed unanimously.

6. *Staff Report. Staff Informational Response Summary.* The ethics administrator issued twelve (12) written staff informational responses between October 16 and December 4, 2003, as requested by employees of King County. Ethics issues addressed by the responses include: use of county cell phones; use of county conference rooms for employees engaged in outside activities, including religious-focused meetings; use of county funds for board activities; use of county broadcast email for Employee Charitable Campaign solicitation; solicitation of the community by board members to support board initiatives; solicitation of employees by employees for charities using county property, including bulletin boards; outside employment with agency contractor (2); post employment (3); and potential conflict of interest for board member. Mr. Saltzman indicated he would like to continue to receive email copies of the responses at the time they are sent to the inquiring employee; all other members indicated a desire to receive copies only upon their request. COGEL - Committee on model ethics law. The administrator has been asked to serve on a COGEL committee formed to draft a model ethics law. She has agreed and her focus will be the post

employment prohibition. The committee hopes to present a draft at the 2004 COGEL conference to be held next December in San Francisco. Dr. Gordon asked the administrator to send members a copy of an earlier draft created by a COGEL committee in the mid-90s, sometime after the first of the year. Albers Business Ethics Initiative Advisory Council. Ms. Clemens has accepted an invitation to serve on the ABEI Advisory Council, a one year commitment beginning December 1, 2003. Council members will offer feedback and act as a sounding board to help shape the direction and focus of the ABEI. Immediately, the council will offer suggestions for the format and content for the Frank Shrontz Workshop and Lecture series to be held next spring, and assist in drafting a mission statement for the initiative. Proposed Ordinance Relating to Oaths for Disclosure Statements and Forms Under the Code of Ethics - update. The ethics office submitted the transmittal package for the proposed ordinance relating oaths for disclosure statements and forms under the ethics code in October, 2003. Mr. Tanaka's office notified Ms. Clemens a week ago that the executive's office is now using a new information format for the transmittal letter to the executive. Ms. Clemens will redraft the letter in the correct format and resubmit to Mr. Tanaka before the end of December, 2003.

Executive Session. At 5:30 p.m., the chair requested that the meeting move into executive session for the purpose of reviewing the performance of a public employee; she asked that all persons other than board members and Mr. Buck leave the room. The chair announced that the executive session would conclude in fifteen minutes.

Mr. Abrams and Ms. Clemens left the room.

At 5:42 p.m. the board completed the executive session and resumed its regular meeting. Ms. Clemens returned to the meeting.

Rev. Pruitt moved and Dr. Gordon seconded a motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 5:47 p.m.

Approved this 17th day of January, 2004, by the King County Board of Ethics.

Signed for the Board: _____
Dr. Lois Price Spratlen, Chair